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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,851	07/22/2003	Joshua Matthew Lipton		6419

7590 02/03/2006
Joshua Lipton
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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,851	LIPTON, JOSHUA MATTHEW	
	Examiner	Art Unit	
	Lee Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An Amendment was filed 4/11/05 in which Claims 1-27 were cancelled, and Claims 28-50 were added.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"[H]inge means disposed in the extendable arm" (emphasis added) cannot be identified, and does not correspond to the related description in the Spec on pp 18-19. *As best understood*, the arm telescopes, and thus does not contain hinges.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 28 and 30-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo 5593259 in view of Brenner 4390088.

Re **Claims 28, 30 and 31**, Kuo discloses a collapsible shipping container comprising
Base frame 1 with first and second sides 31,
First and second side panels 20,
Plurality of crossbars 22, 42,
Casters 14.

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The reference does not disclose hinged subpanels, nor a flexible cover, while Brenner shows

Side (and front and rear) panels 19,21,23,25,29,31 (fig 2) comprised of a plurality of hinged subpanels, and may be secured to the base frame via unidentified fasteners/other attachment means,

Flexible and removable cover 1 secured to the side panels, and covers all sides of the container, and

Flexible tensioners 61.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include these features, as shown in Brenner, to provide greater collapsibility to the container, thus decrease increase portability.

Re **Claims 32 and 33**, the previous references do not specifically disclose the panels as including attachment means for connection with the base frame, but this feature would have been obvious. For example, such means would have included some type of aperture to accept fasteners, or a structural formation at the top and bottom of each panel. Prior art discloses many types of fastening means, and all are functionally equivalent.

B. **Claims 29 and 34-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Brenner, and in further view of Everett 6182990.

The previous references disclose the elements as provided above, but do not disclose the base frame as a bicycle trailer. Everett shows this configuration including

Bicycle trailer 10, of which the base 63 may serve as the base frame to the collapsible container, and including

Front 70, and rear 80, brackets with means for attachment to the base (frame),
and,

Replaceable spoked wheel 15.

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Everett, to provide a multi-use container including trailer means to transport goods and/or the collapsed bicycle. This arrangement increases modularity and function at little additional cost.

Kuo further discloses means 16 for mounting a bicycle frame into a fixed position on the base frame. (It is obvious that means 16 may include other and/or additional components for this objective, so to firmly secure the vehicle to the frame)

C. *As best understood*, **Claim 50** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomaswick et al 4512473 in view of Grigsby Jr 6938557, and Brenner.

As best understood, Thomaswick discloses a collapsible shipping container comprising Base frame including base members 39, with opposite first and second sides (unidentified, inherent),

The frame being collapsible with mounting body (i.e., opposite base 11, and frame 12, members) with extendable arms 13,14,16, and side walls 15.

The reference does not disclose swing arms, while Grigsby shows these collapsible components 30, *as broadly and reasonably interpreted*. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Grigsby, to provide increased structural strength for the assembled container, without detracting from maximum collapsibility, thus increasing safe use and transport, and also compactness when collapsed.

The previous references do not disclose the side/side panels as comprising hinged subpanels, while Brenner shows this configuration with hinged panels 19,21,23,25,29,31. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as shown in Brenner, to provide further collapsibility, thus increase compactness and easy transportability.

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4. RESPONSE TO REMARKS

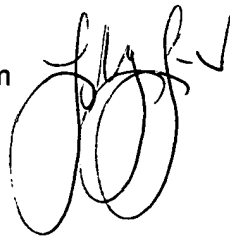
Examiner provides new rejections necessitated by amendments, where Kuo in view of Brenner, etc, obviates all recitations.


5. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 703 305-0232, M-F, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
1/31/06




LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
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